

PATENT APPLICATION
042390.P5113Remarks

Reconsideration of this application is requested. Applicant request that this application be remanded to the Examiner for reconsideration.

By this amendment, claims 1, 5, and 21 have been amended, claims 2-4, 6-8, 11-20, and 22-24 have been canceled and claims 25-29 have been added. Accordingly, claims 1, 5, 9, 10, 21, and 25-29 are in the application.

Response to 35 U.S.C. §102 Rejection

The most recent Office action mailed July 27, 2000 rejects claims 1-2, 8, 11-15, and 21-22 under 35 U.S.C. §102 (b) as being anticipated by Rosen (U.S. Patent No. 4,972,480). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

As noted above, claims 2, 8, 11-15, and 22 have been cancelled.

As is well established, in order to successfully assert a prima facie case of anticipation, the Office action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office action has not succeeded in making a prima facie case.

Applicant's claim 1 recites, among other things, spreading a first signal using a first encoded pseudo-noise code generated by inverting one bit of the first pseudo-noise code, wherein the position of the one inverted bit of the first encoded pseudo-noise code corresponds to the value of the first information signal. At least this feature of Applicant's claim 1 is not included in the cited

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document of Rosen. Since the cited documents do not teach or suggest all the limitations of Applicant's claim 1, it is believed that the rejection of claim 1 should be withdrawn and that claim 1 is in condition for allowance.

Applicant's claim 21 recites, among other things, generating a first encoded pseudo-noise code by inverting one bit of the first pseudo-noise code, wherein the position of the one inverted bit of the first encoded pseudo-noise code represents the value of a first information signal. At least this feature of Applicant's claim 21 is not included in the cited document of Rosen. Since the cited documents do not teach or suggest all the limitations of Applicant's claim 21, it is believed that the rejection of claim 21 should be withdrawn and that claim 21 is in condition for allowance.

Response to 35 U.S.C. §103 Rejection

The Office action mailed July 27, 2000 rejects claims 3, 5-6, 9-10, 16, 19-20, and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Rosen (U.S. Patent No. 4,972,480). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

As noted above, claims 3, 6, 16, 19-20, and 23-24 have been cancelled.

Claims 5, 9 and 10 depend either directly or indirectly from claim 1 and are believed to be allowable for the same reasons as claim 1.

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In view of all of the above, it is believed that Applicant's claims are allowable, and the case is in condition for allowance, which action is earnestly solicited. Reconsideration of the rejections and objections is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 552-0624 is respectfully solicited.

Respectfully submitted,
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